

1 STEPHEN J. ERIGERO (SBN 11562)
2 TIMOTHY J. LEPORE (SBN 13908)
3 LAEL D. ANDARA (California SBN 215416)
4 MARIE E. SOBIESKI (California SBN 278008)
5 ROPERS, MAJESKI, KOHN & BENTLEY
6 3753 Howard Hughes Pkwy., Suite 200
7 Las Vegas, NV 89169
8 Telephone: (702) 954-8300
9 Facsimile: (650) 780-1701
10 Email: stephen.erigero@rmkb.com
11 timothy.lepore@rmkb.com
12 lael.andara@rmkb.com
13 marie.sobieski@rmkb.com

14 Attorneys for Plaintiffs
15 EQUALIA, LLC and HOVERBOARD
16 TECHNOLOGIES CORPORATION

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF NEVADA

19 EQUALIA, LLC, a California limited
20 liability company, and HOVERBOARD
21 TECHNOLOGIES CORPORATION, a
22 California corporation,

23 Plaintiffs,

24 v.

25 KUSHGO LLC dba HALO BOARD, a
26 California limited liability company;
27 HALO BOARD LLC, an Oregon limited
28 liability company; ARTHUR
ANDREASYAN, an individual; and
SHENZHEN WINDGOO INTELLIGENT
TECHNOLOGY CO. LTD., a foreign
company,

Defendants.

CASE NO. 2:16-cv-02851-RFB-CWH

**DECLARATION OF ROBERT BIGLER IN
SUPPORT OF PLAINTIFFS'
EMERGENCY MOTION FOR ENTRY OF
A TEMPORARY RESTRAINING ORDER,
SEIZURE ORDER, AND PRELIMINARY
INJUNCTION**

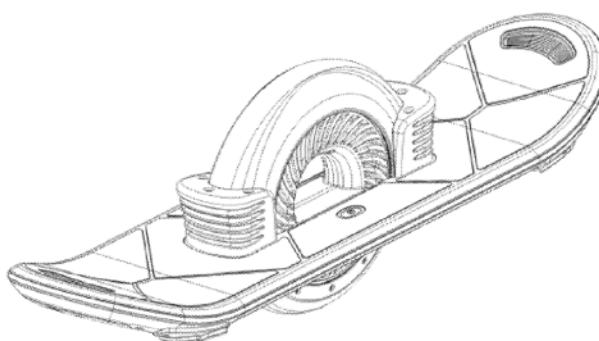
1 I, Robert Bigler, declare:

2 1. I, along with my wife, Punita Bigler, founded Equalia LLC and Hoverboard
3 Technologies Corporation (collectively, "Equalia"), which are based in Mountain View,
4 California. I have personal knowledge of the facts stated herein and am familiar with the
5 documents referred to as part of this declaration.

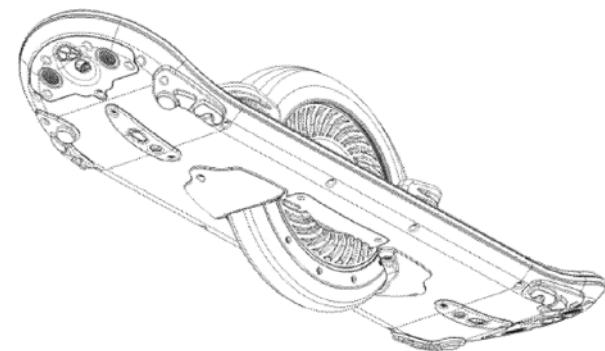
6 2. If called as a witness, I would competently testify to the following facts, all of
7 which are within my own personal knowledge.

8 **MY HOVERBOARD DESIGN**

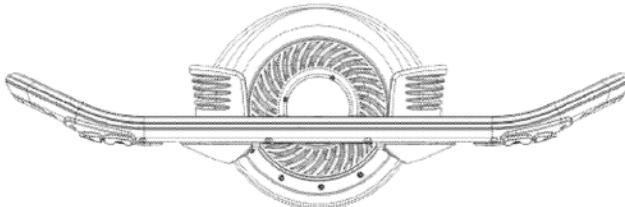
9 3. Beginning in approximatley December of 2012, I began designing a singled-
10 wheeled hoverboard to be sold to consumers as a fun and functional personal mobility vehicle.
11 The device generally resembles a skateboard with one narrow central wheel passing through the
12 center of the board. I prepared the following design:



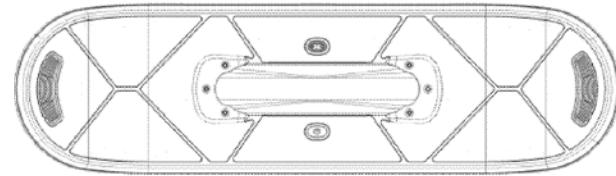
20 **Fig. 1**



21 **Fig. 2**



22 **Fig. 3**



23 **Fig. 4**

1 When a rider leans forward, sensors in the board trigger the board's electric motor to
2 rotate the wheel in responsive, propelling the rider forward. When the rider leans back, the device
3 slows, and if leaning continues, the wheel will begin rotating in the opposite direction. The
4 hoverboard senses the orientation of the rider, as well as the distance of the bottom of the board
5 from the ground, to dictate speed, direction, and balance.

6 4. **On April 25, 2016**, I filed for a design patent application directed the unique
7 hoverboard design. This design parent application issued as United States Design Patent No.
8 D768,252 on **October 4, 2016**, and is titled PITCH-PROPELLED VEHICLE ("Equalia Patent").
9 Figs. 1-4 above are claimed in that patent. Equalia's hoverboard embodies the ornamental design
10 elements depicted in the Equalia Patent. A true and correct copy of my design patent is attached
11 hereto as **Exhibit A**.

12 5. **On October 21, 2013**, Equalia filed a utility patent application to cover novel
13 functional features of its hoverboard. The application granted on **December 15, 2015**, as United
14 States Patent No. 9,211,470, and is titled PITCH-PROPELLED VEHICLE ("Equalia Utility
15 Patent"). Equalia's hoverboard embodies the functional elements claimed in the Equalia Utility
16 Patent. A true and correct copy of my utility patent is attached hereto as **Exhibit B**.

17 6. Equalia's hoverboard products have taken time, effort, and expense to develop and
18 fine-tune. To date, Equalia has invested over \$3,000,000 in research and development, and hopes
19 to begin generating revenue in March of 2017.

20 7. The company has been widely advertising, marketing, and soliciting sales of the
21 hoverboard since at least September of 2015, when we launched a month-long Kickstarter
22 campaign. Equalia has further promoted its hoverboard through its website at
23 www.hoverboard.com, in the media, and at trade shows, including the 2016 Computer Electronics
24 Show, which was held from January 6 through 9, 2016. Equalia is a recognized brand in the
25 electric mobility device industry and has already marketed and taken pre-orders for its products at
26 these events and trade shows.

27

28

1 HOVERBOARD PIRACY

2 8. I frequently find examples of Equalia hoverboard knockoffs advertised online, but
3 there is little I can do to stop them, as they are largely produced by overseas manufacturers with
4 no known presence in the United States. It is only when the infringing products are imported into
5 the United States that Equalia has taken steps to stop the infringing activity. One need only
6 browse the Chinese e-commerce site Alibaba.com to find a number of such copycat products for
7 sale. These copycats even use Equalia's own images to promote their products; for example, one
8 seller uses a picture of my daughter holding an Equalia hoverboard to promote their imitation. A
9 true and correct copy of a page of exemplar copycats for sale on Alibaba.com is attached hereto
10 as **Exhibit C**.

11 9. I first learned of Defendants' activity in late 2015, through friends seeing it on the
12 internet and bringing it to my attention.

13 10. I learned Defendants would be attending the Consumer Technology Association's
14 2017 Computer Electronics Show ("CES") on or about November of 2016.

15 11. I contacted my attorneys on the issue on or about November 17, 2016.

16 COMMUNICATIONS WITH DEFENDANTS

17 12. On December 1, 2015, I received an email from Daisy Ding of Windgoo's
18 International Sales department. Ms. Ding was advertising her company's two-wheeled
19 hoverboards. Because I was interested in exploring manufacturing opportunities abroad, I asked
20 Ms. Ding if her company would be interested in manufacturing Equalia's hoverboard. To my
21 surprise, Ms. Ding responded that such manufacturing was already underway, and that Windgoo
22 had "start[ed] to produce your style hoverboard" already. Further, Ms. Ding stated that Windgoo
23 "ha[s] a warehouse in LA, this products will also provide there." At that time I did not understand
24 that Windgoo was selling or planning to sell our style hoverboard in the United States. I thought
25 their main business was in the common two-wheeled versions. Attached hereto as **Exhibit D** is a
26 true and correct copy of my email exchange with Ms. Ding.

1 13. I followed up with Ms. Ding in hopes of determining if Windgoo was truly
2 manufacturing copies of my hoverboard, or merely acting as an intermediary. Ms. Ding was
3 adamant that Windgoo was the manufacturer of copycat boards. Ms. Ding further told me I
4 should not be concerned about patent rights in the United States: "For the patent, we make the
5 mould by ourself, it is not the same with others. Pls don't worry about this point." See Exhibit D.

6 14. Defendants are calling their infringing product by the model name "Halo Board"
7 on their website located at www.haloboard.com. In addition, I have seen the identical board sold
8 under different names, including "Innoviboard." It is my understanding and belief that the
9 Defendants sell their infringing products directly to end-user customers online, as well as to third-
10 party resellers through wholesale distribution channels. A true and correct copy of an
11 advertisement for the hoverboard being sold under the name "Innoviboard" is attached hereto as
12 **Exhibit E**. A true and correct copy of selected pages of the Halo Board website located at
13 www.haloboard.com is attached hereto as **Exhibit F**.

14 15. I have observed that the Defendants openly advertise on the internet and run
15 specials, including through social media such as Twitter and YouTube. The bottom of the
16 www.haloboard.com website shows a "sale ends" countdown clock, which counts down
17 continuously. To my review of their website advertisements Defendants' infringing product sells
18 from \$697 to \$997. Defendants also market numerous other products, such as two-wheeled self-
19 balancing scooters, which are also sold through their www.haloboard.com website.

20 **CES**

21 16. The next CES will be held in Las Vegas, Nevada, from January 5th through 8th in
22 2017. According to the information published on the CES website, each year there are more than
23 165,000 attendees who travel from over 150 different countries to participate. CES is known as a
24 top venue for marketing new products to wholesalers and retailers, and for forging relationships
25 to market and promote their new products. Equalia has used CES as a venue to meet new partners
26 for manufacturing, as well as to forge new sales and marketing relationships.

27

28

1 17. Equalia plans to launch the "GeoBlade" hoverboard model at CES, and anticipates
2 pricing this board starting at \$1,495. The GeoBlade utilizes alternative build materials to maintain
3 the product's quality while lowering its price, and is intended to compete with the much lower
4 price of Defendants' infringing product.

5 18. On my understanding and belief, Defendants' booth at CES is almost directly
6 across from Equalia and will have a negative material impact on Equalia's sales, both to
7 individuals and to wholesalers and retailers.

8
9 I declare under penalty of perjury that the foregoing is true and correct. Executed this
10 December 28, 2016 in Mountain View, California.

11
12 
13

14 ROBERT BIGLER
15
16
17
18
19
20
21
22
23
24
25
26
27
28